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Anguilla

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 19 December 2013. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Anguilla is a Non-Self-Governing Territory under the Charter administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Christina Scott (2013).

Geography: The Territory lies 240 km east of Puerto Rico, 113 km north-west of Saint Kitts and Nevis and 8 km north of Sint Maarten/Saint Martin. It has a relatively flat topography, with a few rolling hills rising to 213 ft.

Land area: 96 km². The main island has a maximum length of 26 km and a maximum width of 5 km.

Exclusive economic zone: 92,178 km².[a]

Population: 15,700 (2013 estimate).

Languages: 99 per cent of the population speaks English. Spanish and Chinese are also spoken.

Capital: The Valley.

Head of territorial Government: Chief Minister Hubert B. Hughes.

Elections: Most recent: February 2010; next: 2015.

Main political parties: Anguilla United Front; Anguilla United Movement.

Legislature: House of Assembly.

Gross domestic product per capita: US$ 13,000 (2012 estimate).

Economy: Tourism, financial services and remittances.

Main trading partners: United States of America and States members of the Caribbean Community.

Unemployment rate: 8 per cent (2012 estimate).

Monetary unit: East Caribbean dollar, pegged to the United States dollar at about EC$ 2.70.

Brief history: Originally inhabited by the Arawaks, the Territory was colonized by British and Irish settlers in 1650 and was periodically associated with Saint Kitts and Nevis, as well as with various regional structures. In 1980, the Territory became a dependency of the United Kingdom.

[a] Exclusive economic zone data from the "Sea Around Us" project, a collaboration between the University of British Columbia and the Pew Environment Group (see www.seaaroundus.org).

I. Constitutional, legal and political issues

1. According to the Anguilla Constitution Order, which came into force in 1982 and was amended in 1990, the Government of Anguilla consists of the Governor, the Executive Council and the House of Assembly. The Governor, appointed by the British Crown, is responsible for defence, external affairs, internal security (including the police and prison services), international financial services and their regulation, public service appointments and the application to public servants of their terms and conditions of service. On all other matters, the Governor is required to consult and act on the advice of the Executive Council. At the same time, the Order stipulates that the British Crown reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Anguilla.

2. The Territory's Executive Council consists of the Chief Minister, not more than three other ministers and two ex officio members (the Attorney General and the Deputy Governor). The Governor acts as Chair of the Council. The House of Assembly is elected for five-year terms and comprises the Speaker, not less than seven members elected from single-member constituencies, the same two ex officio members as in the Executive Council and two members appointed by the Governor, one upon the advice of the Chief Minister and the other after consultation with the Chief Minister and the Leader of the Opposition, as appropriate.

3. The general elections held in Anguilla on 15 February 2010 resulted in a change of government from the Anguilla United Front to the Anguilla United Movement under Hubert B. Hughes.

4. The law of Anguilla is the common law of the United Kingdom of Great Britain and Northern Ireland, together with all legislation inherited from the former associated State of Saint Kitts-Nevis-Anguilla up to August 1971 and the local legislation enacted since. The law is administered by the Eastern Caribbean Supreme Court, an itinerant court based in Saint Lucia, which comprises a court of appeal and a high court of justice, courts of summary jurisdiction and a magistrates' court. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

5. Discussions with the United Kingdom on a new draft constitution were expected to begin in 2010. In 2011, Anguilla set up a team headed by H. Clifton Niles to draft a new constitution. As previously reported, a draft text was presented to the Government in February 2012, containing changes in governance that could become features of an independent constitution. According to the administering Power, work on the draft is continuing.

6. According to media reports, in 2013 the new Governor indicated that, if there was a clearly expressed desire for independence, the Government of the United Kingdom would support that process and stood ready to have whatever discussions the people wanted.

II. Budget

7. The Governments of the United Kingdom and Anguilla have agreed upon a framework for fiscal responsibility and development, which was passed into Anguillan law in November 2013. It set out the commitment of the Government of

Anguilla to a balanced budget, borrowing guidelines and a medium-term fiscal plan for the management of public finances over the coming five years. In December 2013, the Chief Minister and Minister of Finance presented a budget of EC$ 183.24 million in the House of Assembly for the operation of the Government in 2014. According to the administering Power, in 2013 the Government of the United Kingdom granted EC$ 12 million to Anguilla for capital development projects, while the European Union provided €3.6 million in budget support.

8. In Anguilla, there is no income, estate, capital gains, corporation, value added or goods and services tax. The territorial Government continues to study this matter, in particular with regard to the impact of low taxation on the Territory's economy and public sector reserves. In 2013, under a property tax reform project, Anguilla undertook a property valuation exercise with a view to increasing revenue.

III. Economic conditions

A. General

9. According to estimates from the Eastern Caribbean Central Bank provided by the administering Power, the Territory's gross domestic product was projected to total some US$ 281 million in 2013, compared with some US$ 283 million in 2012, representing a decline in economic activity of 0.85 per cent.

10. The main industries in Anguilla are tourism, real estate, offshore incorporation and management, and banking. Tourism is the main source of economic growth. The economy continues to be affected by the global economy, international oil prices and weather conditions. According to the administering Power, economic recovery remains at the forefront of the Government's agenda.

B. Tourism

11. The Ministry of Finance, Economic Development, Investment, Commerce and Tourism is responsible for implementing the tourism master plan, while the Anguilla Tourist Board and the Anguilla Hotel and Tourism Association market and promote the Territory's tourism product.

12. According to information provided by the administering Power, as at early December 2013 a number of hotel development projects had begun, while others were at the mobilization stage.

C. Financial services

13. International financial services account for some 20 per cent of the gross domestic product of Anguilla. The Anguilla Financial Services Commission was established in 2004 as an independent regulatory body. As previously reported, it decided in 2012 to work with the Executive Council to set up a committee that would deal with the requirements of the United States Foreign Account Tax Compliance Act. According to the administering Power, the committee, chaired by an official of the Government of Anguilla, continued its work in 2013. Furthermore, Anguilla has signed the Convention on Mutual Administrative Assistance on Tax

Matters and has published an action plan on how to increase transparency in relation to the beneficial owners of companies in an effort to safeguard the integrity of its financial services sector.

14. In an assessment conducted for the Financial Secrecy Index in November 2013, however, the Territory was considered to be towards the top end of financial secrecy arrangements. It was noted that the Territory had still to make major progress in offering satisfactory financial transparency.

15. According to the administering Power, the Eastern Caribbean Central Bank decided in August 2013 to remove the boards of directors and senior management teams of the National Bank of Anguilla and the Caribbean Commercial Bank, appointing a conservator to improve the management of each bank. The banks, which account for three quarters of the assets of the Territory's entire banking system, are licensed by the Minister of Finance and are regulated by the Eastern Caribbean Central Bank.

D. Agriculture and fisheries

16. Agricultural activity in Anguilla is limited, owing to a combination of poor soil and irregular rainfall. Nevertheless, according to the administering Power, there has been recent renewed interest in farming on the island. Young farmers are investing in new and improved methods of vegetable and livestock production. Farmers are now not only supplying the local market outlets with their produce, but also exporting to neighbouring islands.

17. The territorial Government estimated the total fish catch in 2012 to be about 706 tons, valued at some EC$ 21 million. Fishing is significant to the livelihoods of many Anguillans, directly employing 250 to 300 people, with many more fishing on a subsistence basis. As previously reported, Anguilla is using less than one quarter of its exclusive economic zone to the north of the island. In 2013, the administering Power decided to provide assistance to the Government of Anguilla in investigating whether commercial fisheries might be established in the Territory.

E. Infrastructure

18. Anguilla has approximately 175 km of public roads, 80 per cent of which are paved. According to the administering Power, infrastructure development continues to be low as a result of the recent economic downturn. In 2013, some US$ 1 million was spent on a new road in The Valley.

19. The Anguilla Air and Sea Ports Authority, a semi-autonomous self-sustaining entity, manages the operations of the airport and seaports on a commercial basis. Clayton J. Lloyd International Airport, situated on the outskirts of The Valley, is the only airport on the island and serves both commercial and private aircraft, including a fixed-base operator facility. There are flights to and from the international airports of Antigua, Sint Maarten and Puerto Rico.

F. Transportation, communications and utilities

20. Taxis are the only form of public transport in Anguilla, but car rental is widely available. Anguilla has a modern internal telephone system with multiple external gateways, including several microwave relays to Sint Maarten/Saint Martin, and a fibre landing point on Tortola for international calls, with competition in mobile, landline and Internet services.

21. As previously reported, a study commissioned by the Government for the integration of renewable energy into the energy profile of the island recommended in October 2012 that the Territory's laws and regulations should be updated in order to enable renewable energy to be interconnected to the electricity grid. According to the administering Power, work continues on the road map and the action plan for the implementation of the recommendations. The Territory's privately owned utility company is exploring the possibility of investing in a waste-to-energy renewable energy plant.

IV. Social conditions

A. General

22. The social security scheme of the Territory is overseen by the Anguilla Social Security Board. In 2013, the Department of Social Development was able to offer all its major services to the public, the continued implementation of austerity measures notwithstanding. According to the administering Power, for the period from January to October 2013, 130 persons received public assistance for a total of EC$ 581,000. In the same period, 281 persons benefited from a medical exemptions scheme valued at approximately EC$ 2.2 million. Similarly, contributions to needy families in the form of food vouchers totalled approximately EC$ 20,650. The use of those social services demonstrates that, while no segment of the Territory's population is considered indigent, the vulnerable population, in particular children, depends heavily upon the Government to meet its basic needs.

23. In 2013, a safeguarding child project was expanded to include a media campaign with specific outreach to children and to the Spanish-speaking community. According to the administering Power, all front-line police officers received domestic violence training, which included specific training on handling cases involving children.

B. Education

24. In Anguilla, education is free and compulsory between the ages of 5 and 17 years, benefiting some 2,700 pupils. The Department of Education provides continuing professional development for all teachers, with emphasis on supporting new teachers. According to the administering Power, in 2013 a newly established vocational training centre began to offer courses in electrical installation, automotive repair, plumbing, refrigeration and air conditioning.

25. In addition, the Department and the Open Campus of the University of the West Indies provide tertiary education in Anguilla, offering primary and secondary

teacher training and basic skills training programmes. According to the media, a private medical school based in the United States of America with a basic science campus in the Territory offers a doctoral degree in medicine. The Anguilla Community College offers a postgraduate diploma in teacher education and associate degrees in hospitality and business. Vocational and continuing education and professional development programmes are also available. Citizens from overseas territories benefit from the home student fee rate at British universities. In November 2013, the Council of the European Union adopted a decision on the association of the overseas countries and territories with the European Union that provides for access to, among others, horizontal European Union funds, such as those for higher education and vocational education.

C. Public health

26. The Health Authority of Anguilla is responsible for all primary, secondary and personal health-care services. There are three health districts in the Territory, featuring four health centres, one polyclinic and one hospital, the Princess Alexandra Hospital. Cases requiring major surgery are usually evacuated to a neighbouring island.

27. The Ministry of Social Development regulates and monitors the public and private health sectors, including the Health Authority, and carries out policymaking and regulatory functions. The Territory's health sector priorities are set out in the strategic plan for 2009 to 2014 and include the strengthening of primary and secondary health-care services. The 2013 budget provided for approximately EC$ 16 million for the Health Authority. According to the administering Power, nearly EC$ 2 million was spent on medical treatment overseas from January to October 2013.

28. In 2013, Anguilla received support from the Pan American Health Organization to increase disease surveillance and laboratory services to help to strengthen public health systems, including at the Sandy Ground and Blowing Point ports. Since its establishment in 2012, a non-communicable disease commission has been working on developing a non-communicable disease policy and action plan for the Territory.

D. Crime and public safety

29. According to information provided by the administering Power, Anguilla has a low crime level. As a result of gun-related crime, however, several initiatives have been launched, including on gang activity, in addition to various community-based activities. With the constitution of a parole board and the passage of the amendments to the parole legislation, the Board received 13 applications for parole from prisoners in 2013, leading to the first-ever parole hearings held in Anguilla and an alleviation of the overcrowding in the Territory's prison.

30. The Financial Intelligence Unit continues to function as the Territory's money-laundering reporting authority. The Financial Crime Investigation Unit carries out a wide variety of financial crime investigations, including all money-laundering and civil recovery cases. According to the administering Power, in 2013 the police recruited a detective inspector with experience in the field to head the Unit.

31. In addition, in 2013 the United Kingdom funded a law enforcement adviser based in Miami, United States, who coordinates, manages and facilitates training and strategic advice to introduce new techniques and skills for the Territory's law enforcement agencies. Furthermore, *HMS Lancaster* and Royal Fleet Auxiliary *Wave Knight* were on patrol in the Caribbean and North Atlantic to provide disaster relief and humanitarian assistance as needed. They were also engaged in counter-narcotics and interdiction patrols. Both ships made reconnaissance visits to the Territory to improve their coordination with local disaster management bodies.

E. Human rights

32. The Territory's Constitution provides that every person in Anguilla is entitled to life, liberty, security of person, the enjoyment of property, protection of the law, freedom of conscience, expression and peaceful assembly and association, and respect for his or her private and family life. The Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination have been extended to Anguilla. The European Convention on Human Rights also applies to Anguilla, with individuals having the right to bring cases to the European Court of Human Rights where no other remedy exists in the Territory. According to information provided by the administering Power, the Government of Anguilla is working towards requesting the extension of the Convention on the Elimination of All Forms of Discrimination against Women to the Territory.

V. Environment

33. According to the administering Power, Anguilla faces a decline in marine ecosystem health and integrity, given that some 90 per cent of near-shore hard corals have been lost in the past two decades. A 50 per cent decline in seagrass bed cover has been recorded, along with a 60 per cent decline in near-shore coral reef fish populations.

34. The Department of the Environment, the Agriculture Department, the Department of Fisheries and Marine Resources, the Department of Health Protection and the Anguilla National Trust are the principal entities dealing with environmental issues, focusing in 2013 and 2014 on in situ research concerning coral reefs and coastal communities to help to determine how climate change affects reefs in Anguilla. In 2013, the Department of the Environment initiated an environmental economics project with a focus on a beach valuation for the tourism sector, while the Anguilla National Trust completed seabird nesting and breeding assessments of all the offshore cays on which seabirds are found and identified six new important bird areas, all of which are salt ponds, on the mainland. This brings the total number of important bird areas in Anguilla to 13 (from 7), including four offshore cays (Sombrero Island, Dog Island, Prickly Pear East and West and Scrub Island).

35. In January 2014, the Environmental Audit Committee of the House of Commons of the United Kingdom issued a report on sustainability in the United Kingdom overseas territories, in which it identified financial and institutional

concerns regarding threats to unique habitats and species and the protection of biodiversity.

36. In its report, the Committee stated that, during its inquiry, the Government of the United Kingdom had expressed general but unspecified aspirations to cherish the environment in the overseas territories, but had been unwilling to acknowledge or to address its responsibilities under United Nations treaties. That was found to be disappointing because the environment in the overseas territories was globally significant and comprised 90 per cent of the biodiversity for which the Government of the United Kingdom had responsibility. According to the Committee, the Government had failed to negotiate the extension of the Convention on Biological Diversity — the flagship United Nations policy on biodiversity protection — to all the overseas territories and had not ensured the accurate monitoring of biodiversity there. The Committee said that, in environmental terms, the white paper on the overseas territories published in 2012 was considered a missed opportunity.

37. Among the conclusions, the Environmental Audit Committee mentioned that:

(a) In the light of the international significance of the biodiversity in the overseas territories, 13 years was too long a gap between white papers on the overseas territories;

(b) The Government of the United Kingdom was prepared to exercise hard and soft power in relation to financial matters in the overseas territories, but it was apparently not prepared to exercise those powers to protect biodiversity and to promote environmental sustainability;

(c) The four overseas territories to which the Convention on Biological Diversity had been extended (the British Virgin Islands, Gibraltar, Saint Helena and the Cayman Islands) had not been effectively included in biodiversity reporting by the United Kingdom; it was felt that compliance with the stipulations of the Convention was ultimately a responsibility of the Government of the United Kingdom;

(d) Without enhanced monitoring, the Department for Environment, Food and Rural Affairs of the United Kingdom could not accurately report under the Convention on Biological Diversity on the full extent of biodiversity in the overseas territories and therefore measure progress towards the commitment to halt biodiversity loss by 2020.

38. With regard to Anguilla, the Committee mentioned, for example, that the Territory was not included in the ratification by the United Kingdom of the Convention on the Conservation of Migratory Species of Wild Animals. Furthermore, a physical planning bill that had been introduced in Anguilla in 2001 that would require basic planning controls had by December 2013 not been enacted. In addition, the Territory was said to lack baseline standards on development control, such as statutory environmental impact assessments for major developments and strategic development plans.

39. At the same time, the Committee indicated that an environmental mainstreaming initiative had been designed in 2012 to help territories to put environmental considerations at the heart of policymaking and decision-making. The project had been completed in Anguilla with funding from the United Kingdom. It focused on the value of diverse ecosystems in supporting territorial economies

and the need to take account of those values in economic and physical planning, drawing together a range of stakeholders to identify priorities. Completed projects had generated complementary support programmes involving economic assessments, training programmes, capacity-building and additional fundraising designed to allow policymakers to draw on a substantial environmental evidence base.

VI. Relations with international organizations and partners

40. Since 1998, the Territory has been an associate member of the Economic Commission for Latin America and the Caribbean. Since 2011, it has maintained a formal dialogue with the International Monetary Fund.

41. Anguilla participates in the Caribbean Community as an associate member. It is a member of the Caribbean Development Bank, the Caribbean Financial Action Task Force and the Caribbean Regional Fisheries Mechanism.

42. Anguilla participates in the work of the Organization of Eastern Caribbean States as an associate member, hosting in 2013 the annual meeting of environment ministers. It is a member of the Eastern Caribbean Central Bank.

43. As a Non-Self-Governing Territory of the United Kingdom, Anguilla is associated with the European Union but is not a part of it. According to the United Kingdom, the Territory has yet to establish a relationship with the European Union in the context of the European Union Economic Partnership Agreement. As at January 2014, the Territory was a partner under the above-mentioned decision of the Council of the European Union, approved, among other things, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the Union in the wider world. Information on grant aid provided to the Territory by the European Union can be found in section II above.

44. The territorial Government cooperates directly with Caribbean Governments and participates in regional projects of various international organizations and agencies, including the Pan American Health Organization.

VII. Future status of the Territory

A. Position of the territorial Government

45. Developments in constitutional reform efforts involving the future status of Anguilla are referred to in section I above.

B. Position of the administering Power

46. On 11 October 2013, at the 7th meeting of the Special Political and Decolonization Committee (Fourth Committee) during the sixty-eighth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was modern and based on partnership, shared values and the right of the people of

each territory to determine whether to remain British. Should the people of a territory choose to remain British, the United Kingdom would maintain and deepen its special relationship with them.

47. He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, the United Kingdom had been working closely with the territories to develop that partnership further. His Government had a fundamental responsibility to ensure the security and good governance of its overseas territories. The United Kingdom had strengthened the annual meeting with territory leaders into a joint ministerial council and had given it a clear mandate to lead work to review and implement the strategy and the commitments set out in the white paper (see A/C.4/68/SR.7).

48. At the second meeting of the Overseas Territories Joint Ministerial Council, held in London on 26 November 2013, the United Kingdom and overseas territory leaders agreed upon a communiqué that included the following passage setting out the joint position of the United Kingdom and the overseas territories on self-determination:

> We reiterate our commitment to continuing to build a modern relationship based on partnership, shared values and the principle of self-determination. The people of each territory have the right to choose whether or not their territory should remain a British overseas territory or to seek an alternative future.
>
> ...
>
> The right of self-determination is enshrined in the Charter of the United Nations. We believe that the people of all overseas territories have a right to determine their own futures, to decide on the path they wish to take and to maintain freely their constitutional link with the United Kingdom if that is their choice. Being a British territory entails a balance of benefits and responsibilities. We affirm a commitment to shared values, high standards of governance and building a stronger partnership. Any decision to break the constitutional link should be on the basis of the clear and constitutionally expressed wish of the people of the territory. We believe that the United Nations Decolonization Committee should delist territories where this is their wish.
>
> Each territory is unique and has its own constitution. We will continue work to complete the process of constitutional modernizations so that territories have the greatest self-government possible.

C. Action taken by the General Assembly

49. On 11 December 2013, the General Assembly adopted, without a vote, resolutions 68/95 A and B, based on the report of the Special Committee (A/68/23) and the subsequent recommendation by the Fourth Committee. Section II of resolution 68/95 B concerns Anguilla. In the operative paragraphs of that section, the General Assembly:

1. *Welcomes* the preparations made for a new constitution, and urges that constitutional discussions with the administering Power, including public consultations, be concluded as soon as possible;

2. *Requests* the administering Power to assist the Territory in its current efforts with regard to advancing the internal constitutional review exercise, if requested;

3. *Notes* the expression of grave concern by the Caribbean Community at the tension between the administering Power and the territorial Government and the deterioration in the Territory's governance arrangements;

4. *Stresses* the importance of the previously expressed desire of the territorial Government for a visiting mission by the Special Committee, calls upon the administering Power to facilitate such a mission, if the territorial Government so desires, and requests the Chair of the Special Committee to take all the necessary steps to that end;

5. *Requests* the administering Power to assist the Territory by facilitating its work concerning public consultative outreach efforts consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

6. *Calls upon* the administering Power to assist the territorial Government in strengthening its commitments in the economic domain, including budgetary matters, with regional support as needed and appropriate;

7. *Welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean.